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FENNEMORE CRAIG, P.C.
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Jay L. Shapiro (No. 014650)
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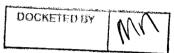
AZ CORP COMMISSION DOCKET CONTROL

Arizona Corporation Commission DOCKETED

DEC 19 2008

Phoenix, Arizona 85012 Telephone (602) 916-5000

Attorneys for The Links at Coyote Wash Utilities, LLC



## BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION OF THE LINKS AT COYOTE WASH UTILITIES, LLC, FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WASTEWATER SERVICE IN YUMA COUNTY, ARIZONA.

DOCKET NO. SW-04210A-06-0220

NOTICE OF COMPLIANCE WITH DECISION NO. 69209

The Links at Coyote Wash Utilities, L.L.C. ("Company"), an Arizona public service corporation, hereby submits this Notice of Compliance pursuant to Decision No. 69209 (December 21, 2006) ("Order"). Through this filing the Company is addressing three compliance items.

First, the Order requires the Company to file Approval of Construction ("AOC") documentation for the collection line installation. The Company responds that it does not have AOC documentation to file at this time. Currently there is no construction occurring in the extension area, and the developer is believed to be experiencing financial problems.

Second, the Order requires the Company to annually file certification from the Arizona Department of Occupational Safety and Health ("ADOSH") that the Company has utilized ADOSH consultation services, and that the Company's operators, agents, and employees have taken appropriate training. The Company scheduled an appointment for January 9, 2008, which is the earliest opportunity for an on-site consultation due to staffing issues at ADOSH. *See* Exhibit 1 attached hereto. The Company will file ADOSH certification as soon as possible after

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the on-site visit.

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Third, the Order requires the Company to file a copy of the Arizona Department of Environmental Quality's ("ADEQ") Aguifer Protection Permit ("APP") modification to include the extension area. The Company responds that it has not yet received the modified APP and presumably will not meet the Commission's filing deadline of December 31, 2008. However, the Company believes that presently there is no reason to again request ADEQ to expedite its review since construction has been delayed and there is no current demand.

DATED this 19th day of December, 2008.

FENNEMORE CRAIG, P.C.

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Jay L. Shapiro Patrick J. Black

Attorneys for The Links at Coyote Wash Utilities, LLC

ORIGINAL and 13 copies delivered this 19th day of December, 2008, to:

**Docket Control** Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007

COPY hand-delivered this 19th day of December, 2008:

Carmel Hood, Compliance **Utilities Division** Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007

By: Un oluna

## EXHIBIT 1

From: Lopez, Luis - OSHA State (AZ-SP) [mailto:Lopez.Luis@dol.gov]

Sent: Tuesday, December 02, 2008 8:03 AM

To: Jason Williamson

Subject: RE: ADOSH Consultation at Links at Coyote Wash WWTP in Wellton, AZ

Hi Jason,

This confirms our scheduled consultation survey for January 9, 2009 at 10:30AM. We regret not being able to meet your deadline requirement, but at this time we are short-staffed due to the State's budget deficit and currently imposed hiring freeze.

Thanks for understanding our present work schedule backlog!

Luis Lopez Industrial Hygiene Consultant ADOSH - Phoenix Office Email: lopez.luis@dol.gov Office: (602)542-1637 Fax: (602)542-1614

From: Jason Williamson [mailto:jw@pivotalcompanies.com]

Sent: Monday, December 01, 2008 3:26 PM

To: Lopez, Luis - OSHA State (AZ-SP)

Cc: SunstateES@aol.com; WBIRK@FCLAW.com

Subject: ADOSH Consultation at Links at Coyote Wash WWTP in Wellton, AZ

Hi Luis,

Thank you for your time and quick reply with respect to our request for ADOSH consultation services at the Links at Coyote Wash Utilities wastewater treatment plant in Wellton, AZ.

I am writing this email to confirm that we have scheduled your consultation for January 9, 2009 at 10:30AM. Your point of contact for this visit is Rick Miller with Sunstate Environmental Services at (928)920-9056. All paperwork should be sent to my attention at the address below in Denver.

As you know, we had requested an earlier consultation as a result of our compliance schedule with the Arizona Corporation Commission. If you could please reply with regard to the current backlog and staffing shortfalls in your department that preclude our December 21 deadline, I would appreciate it, and will note your reply for our ACC filing.

Please contact me if you have any questions or comments. Thank you again for your assistance.

Regards,

Jason Williamson
President
Pivotal Utility Management, LLC
6825 E Tennessee Ave Suite 547
Denver, CO 80224
P (303)333-1250 F (303)333-1257 M (720)260-0531

## NOTICE:

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12/19/2008